

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

GRAYLING THOMAS,

Plaintiff,

v.

WARDEN DOUG WILLIAMS, et al.,

Defendants.

CIVIL ACTION NO.: 6:18-cv-111

ORDER

This matter is before the Court on the United States Marshals Service's Unexecuted Return as to Defendant Mobley. Doc. 11 at 2. On November 25, 2019, this Court ordered service of Plaintiff's Complaint upon Defendants and advised each Defendant of his duty to avoid unnecessary costs when service is executed. Doc. 7. The Court noted a defendant "who fails to comply with the request for waiver must bear the costs of personal service unless good cause can be shown for the failure to return the waiver." Id. at 22 (citing Fed. R. Civ. P. 4(d)(2)). The United States Marshals Service initially sent the service waiver to Defendant Mobley on November 27, 2019, with notations on December 9, 2019 (signed by someone with an illegible signature) and on January 28, 2020. Doc. 11 at 2. The waiver request was returned as unexecuted on January 28, 2020, and was filed on February 6, 2020. Id. The Marshals Service signed the Return, dated January 28, 2020, with the notation: "Unexecuted-HR Smith State Prison states no such person ever employed at prison." Id.

The Court **ORDERS** the United States Marshals Service to personally serve Defendant Mobley with a copy of the Court's November 25, 2019 Order and this Order within 30 days, if

practicable, and to exercise due caution in attempting to effectuate service on Defendant Mobley.

The Court imposes the costs of personal service on Defendant Mobley.¹ Fed. R. Civ. P. 4(d)(2)(A). The Court also **ORDERS** Defendant Mobley to file his Answer to Plaintiff's Complaint as quickly as possible, but, in no event later than 30 days after the United States Marshals Service personally serves him with process.

Additionally, the Court **ORDERS** Plaintiff to provide any information regarding Defendant Mobley's whereabouts or any additional, personally identifiable information for Defendant Mobley to the United States Marshals Service and this Court within 21 days of this Order. The Court forewarns Plaintiff his failure to provide any additional information for the effectuation of service or to otherwise respond to this Order may result in the recommended dismissal of his claims against Defendant Mobley based on failure to follow a Court Order and failure to prosecute.

SO ORDERED, this 12th day of February, 2021.



BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ The Court notes staff at Smith State Prison has informed the Marshals Service there was no one at the prison with the surname "Lawrence," doc. 11-1 at 1, yet it was simply due to Plaintiff having misspelled this surname, which is "Laurence." Docs. 31, 32.